

		<p>THELDA MAE DODD is Trustee of the Special Needs Trust created for the benefit of Junelda Dodd.</p> <p>The Fourth Account was settled on 10-4-12 and the Court set this status hearing for the filing of the Fifth Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Fifth and Final Account was filed 10-7-14 and has been set for hearing on 11-18-14.</p> <p>However, because this status hearing and the corresponding Order to Show Cause (Page B) were continued by the Court, this matter has not been taken off calendar by the Examiner.</p>
<p>Cont'd from 090514, 092314</p>			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 10-16-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A - Dodd</p>

Order to Show Cause

		<p>THELDA MAE DODD is Trustee of the Special Needs Trust created for the benefit of Junelda Dodd.</p> <p>The Fourth Account was settled on 10-4-12 and the Court set a status hearing for the filing of the Fifth Account.</p> <p>There were no appearances at the status hearing on 9-5-14 and the Court set this Order to Show Cause with Sanctions of \$100.00 for Mr. Kharazi.</p> <p>Copies of the Order to Show Cause minute order were mailed to Mr. Kharazi on 9-5-14.</p> <p>On 9-23-14, Naser Nekumanesh (unknown relationship) appeared and the matter was continued to 10-21-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-23-14</u></p> <p>Note: Fifth and Final Account was filed 10-7-14 and has been set for hearing on 11-18-14.</p>
Cont. from 092314			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-17-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B - Dodd</p>	

(1) Third Account Current and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 62		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 07/01/12 – 06/30/14	Note: If the petition is granted, status hearings will be set as follows:
Cont. from		Accounting - \$113,625.55	<ul style="list-style-type: none"> Wednesday, August 10, 2016 at 9:00 a.m. in Department 303, for the filing of the fourth account.
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$19,043.42	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$90,973.76	
<input type="checkbox"/>	Inventory	Conservator - \$966.72 (6 staff hours @ \$76/hr. and 5.32 deputy hours @ \$96/hr.)	
<input type="checkbox"/>	PTC	Attorney - \$1,250.00 (less than allowed per Local Rule)	
<input type="checkbox"/>	Not.Cred.	Bond Fee - \$686.66 (ok)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Aff.Mail w/	1. Approving, allowing and settling the third account;	
<input type="checkbox"/>	Aff.Pub.	2. Authorizing the conservator and attorney fees and commissions; and	
<input type="checkbox"/>	Sp.Ntc.	3. Authorizing payment of the bond fee.	
<input type="checkbox"/>	Pers.Serv.	Court Investigator Samantha Henson filed a report on 08/04/14.	Reviewed by: JF Reviewed on: 10/16/14 Updates: Recommendation: File 2 – Bethel
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

DOD: 07/14/14		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 11/22/13 – 07/14/14	
Cont. from		Accounting - \$123,407.89	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$96,738.73	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$96,357.13	
<input type="checkbox"/>	Inventory	(\$1,357.13 is cash)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Subsequent account period: 07/15/14 – 08/06/14	
<input checked="" type="checkbox"/>	Notice of Hrg	Accounting - \$100,776.09	
<input checked="" type="checkbox"/>	Aff.Mail w/	Beginning POH - \$96,357.13	
<input type="checkbox"/>	Aff.Pub.	Ending POH - \$100,776.09	
<input type="checkbox"/>	Sp.Ntc.	(\$5,776.09 is cash)	
<input type="checkbox"/>	Pers.Serv.	Conservator - \$871.12 (5.5 staff hours @ \$76/hr. and 4.72 deputy hours @ \$96/hr.)	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Attorney - \$937.53 (Ok per Local Rule)	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Bond Fee - \$25.00 (ok)	
<input type="checkbox"/>	CI Report	Petitioner prays for an Order:	
<input type="checkbox"/>	2620(c) n/a	1. Approving, allowing and settling the third and final account;	
<input checked="" type="checkbox"/>	Order	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/>	Aff. Posting	3. Authorizing payment of the bond fee; and	
<input type="checkbox"/>	Status Rpt	4. Authorizing petitioner to distribute the balance of property on hand to the Fresno County Public Administrator as Administrator of the Estate.	
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF

Reviewed on: 10/16/14

Updates:

Recommendation:

File 3 – Nygaard

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution

DOD: 11/21/11		PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 04/20/12 – 04/24/14	
Cont. from		Accounting - \$441,053.88	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$438,006.03	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$18,641.47	
<input checked="" type="checkbox"/>	Inventory	Administrator - \$1,920.00 (less than statutory)	
<input checked="" type="checkbox"/>	PTC	Administrator x/o - \$248.00 (for filing tax returns)	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$1,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Bond Fee - \$141.62 (ok)	
<input checked="" type="checkbox"/>	Aff.Mail w/	Costs - \$906.50 (filing fees, certified copies)	
<input type="checkbox"/>	Aff.Pub.	Preliminary Distributions to law firm of Wright & Johnson (pursuant to Court Order dated 08/27/12):	
<input type="checkbox"/>	Sp.Ntc.	09/12/12 - \$206,261.65	
<input type="checkbox"/>	Pers.Serv.	11/08/12 - \$52,680.37	
<input type="checkbox"/>	Conf. Screen	11/08/12 - \$52,680.37	
<input type="checkbox"/>	Letters 04/20/12	11/29/12 - \$74,006.42	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	Distribution, pursuant to Decedent's will, is to:	
<input type="checkbox"/>	UCCJEA	Scott Keller - \$7,212.67	
<input type="checkbox"/>	Citation	Zachary Keller - \$3,606.34	
<input checked="" type="checkbox"/>	FTB Notice	Westley Keller - \$3,606.34	
			Reviewed by: JF
			Reviewed on: 10/16/14
			Updates:
			Recommendation:
			File 4 – Keller

Status Hearing Re: Filing of the Petition for Final Distribution

DOD: 02/24/2012	KENNETH ROBERTS , was appointed Administrator with full IAEA and with bond set at \$20,000.00 on 10/18/2012.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 09/02/2014.
		Minute Order of 07/16/2014: counsel requests a continuance.
Cont. from 122013, 010214, 031314, 043014, 060414, 071614, 090214	Proof of Bond was filed 2/22/2013 showing bond posted in the sum of \$20,000.00 .	Minute Order of 06/04/2014 continued to 07/16/2014.
	Letters issued on 03/14/2013.	Minute Order of 04/30/2014: Counsel advises the Court that he now has all the paperwork needed to file the required documents.
Aff.Sub.Wit.	Final Inventory and Appraisal filed on 10/15/2013 shows an estate valued at \$129,764.97 .	1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Verified	Minute Order of 10/18/2012 set this matter for hearing on 12/20/2013 for status of filing for final distribution.	
Inventory	Minute Order dated 12/20/2013 [Judge Snauffer] states: No appearances. Matter continued to 1/2/2014. The Court orders Larry Donaldson to be personally present on 1/2/2014 .	
PTC	Former Status Conference Statement filed 03/04/2014 by Attorney Larry A. Donaldson states that the accounting for the estate has been partially prepared but is not completed yet. The Administrator and heirs have not yet decided whether to sale or transfer the real property in the estate. The house is the only asset left in the estate. The Administrator of the estate, Ken Roberts, has lent the estate more than \$9,000. Ken Roberts is serving as Administrator without compensation and waives all fees that would normally be paid to him. Attorney Donaldson also waives all fees that would normally be paid for his services. There are no other assets other than the real property to pay back to the money loaned to the estate. Attorney Donaldson will be out of the county from 03/04/2014 through 03/12/2014 and unavailable to complete the paperwork to finish the accounting. Attorney Donaldson anticipates that the accounting will be completed and the estate in a condition to close by April 30, 2014.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
✓ Status Rpt		Reviewed on: 10/16/2014
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 5 – Roberts

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 87 years		PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 6/13/13 – 6/12/14	<p>1. Attorney fees total \$3,750.00 and not \$4,000.00 as requested. (Local Rule \$2,500 for the filing of the petition and first account and \$1,250 for the court confirmed sale of real property).</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, August 10, 2016 at 9:00 a.m. in Department 303, for the filing of the second account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
Cont. from		Accounting - \$177,585.73	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$135,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$119,465.72	
<input type="checkbox"/>	Inventory	Conservator - \$7,928.92	
<input type="checkbox"/>	PTC	(67.29 Deputy hours @ \$96/hr and 19.33 Staff hours @ \$76/hr)	
<input type="checkbox"/>	Not.Cred.	Attorney - \$4,000.00	
<input checked="" type="checkbox"/>	Notice of Hrg	(per Local Rule – see note #1)	
<input checked="" type="checkbox"/>	Aff.Mail	Bond fee - \$378.04	
<input type="checkbox"/>	Aff.Pub.	(o.k.)	
<input type="checkbox"/>	Sp.Ntc.	Court fees - \$643.00	
<input type="checkbox"/>	Pers.Serv.	(filing fee, certified copies)	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	Petitioner prays for an Order:	
<input type="checkbox"/>	Objections	1. Approving, allowing and settling the first account;	
<input type="checkbox"/>	Video Receipt	2. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/>	CI Report	3. Payment of the bond fee;	
<input type="checkbox"/>	9202	4. Payment of court fees.	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/16/14
			Updates:
			Recommendation:
			File 6 – Valencia

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and his Attorney; (3) and Distribution

DOD: 5-15-14		PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 10-9-13 through 5-15-14	
		Accounting: \$115,581.70	
		Beginning POH: \$ 3,495.00	
		Ending POH: \$ 82,823.72	
	Aff.Sub.Wit.		
✓	Verified	Account period: 5-16-14 through 7-11-14	
	Inventory	Accounting: \$82,827.23	
	PTC	Beginning POH: \$82,823.72	
	Not.Cred.	Ending POH: \$77,547.23 (cash)	
✓	Notice of Hrg	Conservator: \$1,687.44 (for 11.64 Deputy hours @ \$96/hr plus 7.50 Staff hours @ \$76/hr, per declaration, including estimated time for management of finances, preparation of income tax returns, preparing statement of services, and making final distribution, pursuant to attached declaration)	
✓	Aff.Mail	Attorney: \$2,000.00 (less than allowed under Local Rule 7.16.B.1, since the Public Guardian did not have to file the paperwork to establish the conservatorship.)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt	Bond fee: \$145.44	
N/A	CI Report	Costs: \$539.00 (\$104.00 for certified Letters plus \$435.00 filing fee for this petition)	
N/A	2620(c)		
✓	Order	Petitioner states the Conservatee died testate on 5-15-14. Her will was deposited by the Public Guardian on 8-14-14 (Exhibit E) and heirs are listed in the petition. However, the Conservatee received Medi-Cal benefits before she died and Notice of the Conservatee's death was sent to Medi-Cal on 5-16-14. They sent a claim for \$191,000.00.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	After payment of the allowed commissions, fees and costs totaling \$4,371.88, Petitioner requests distribution of the remaining estate of \$73,175.35 to Medi-Cal.	

Reviewed by: skc

Reviewed on: 10-16-14

Updates:

Recommendation:

File 7 – Lyster

8A The Smothers Family Living Trust 02-11-91 (Trust) Case No. 14CEPR00498

Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Floyd Wyatt, Jr., Successor Trustee)
Atty Brawley, Mason L.; of Murphy & Brawley, Merced (for Objector Dianne S. Collins, Successor Trustee)
 Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the
 Marital Trust

Garnold DOD: 6/3/1991	FLOYD WYATT, JR. , son and Trustee of the MARITAL TRUST , [sub-trust of] the SMOTHERS FAMILY LIVING TRUST , is Petitioner. Petitioner states: <ul style="list-style-type: none">• Petitioner became Trustee of the MARITAL TRUST pursuant to the deaths of the Settlor and Trustees of the SMOTHERS FAMILY LIVING TRUST established on 2/11/1991, GARNOLD GARTH SMOTHERS and VELMA L. SMOTHERS (Surviving Spouse); (copies of death certificates attached as Exhibit A; copy of Trust attached as Exhibit B1);• On 2/11/1991, Settlor executed a Community Property Agreement relative to ownership of their assets (copy attached as Exhibit B2);• Upon the death of the Deceased Spouse, the Trust was to be divided into sub-trusts: EXEMPTION TRUST and MARITAL TRUST; per Trust terms, the MARITAL TRUST is revocable by the Surviving Spouse [Velma];• The Surviving Spouse amended the MARITAL TRUST by a First Amendment executed on 7/7/1997, a Second Amendment on 4/24/2001, a Fourth Amendment on 3/5/2009, and a Final Amendment on 2/11/1991 (copies of all amendments attached as Exhibits B3 to B6);• Petitioner believes the Fourth amendment was incorrectly designated as "Fourth" and that it is the Third Amendment to the MARITAL TRUST; (also the Final Amendment bears the notarized signature of Surviving Spouse only as Trustee and the omission of her signature as Trustor is believed to be clerical error); <p style="text-align: center;">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS: Page 8B is the Status Hearing Re Settlement Agreement. Continued from 8/25/2014.
Velma DOD: 11/27/2013		
Cont. from 072314 082514		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		W/
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: LEG	
	Reviewed on: 10/21/14	
	Updates:	
	Recommendation:	
	File 8A - Smothers	

8A

Petitioner states, continued:

- The division of the Trust into the **EXEMPTION TRUST** and **MARITAL TRUST** was done on a pro-rata basis rather than an item-by-item basis;
- The Surviving Spouse executed 3 separate Declarations of Trust Split: first on 6/25/1991, second on 9/23/1996, the last on 8/19/1998; however, although all 3 Declarations refer to Schedule A and B, there is only one Schedule A and Schedule B in existence among the Settlor's estate planning binders (*copies of the 3 Declarations and the only Schedule A and Schedule B attached as Exhibit C*);
- Schedules A and B indicate that the Settlor's residence on Childs Ave in Merced, which was designated in the Trust documents as the Deceased Spouse's separate property, was allocated **10%** to the **MARITAL TRUST** and **90%** to the **EXEMPTION TRUST**; pursuant to Trust terms, there was no physical segregation or division required except as necessary to make distribution as provided in the Trust;
- Surviving Spouse recorded Affidavits as to the residence and Deed of Trust, but never recorded a designation of either asset as belonging to the **MARITAL TRUST** or to the **EXEMPTION TRUST** (*copies of affidavits attached as Exhibit D*);
- Surviving Spouse sold the residence on Childs Ave. in Merced and purchased a new residence on San Gabriel Ave. in Fresno, and then transferred title to the new residence to herself as successor sole Trustee of the **SMOTHERS FAMILY LIVING TRUST** (*copy of transfer deed attached as Exhibit E*);
- Surviving Spouse may have used some of the proceeds from the sale of the Childs residence to purchase the new San Gabriel residence; however, Petitioner has not been able to determine what funds were used to purchase the new residence;
- Surviving Spouse lived 22 years after the death of Deceased Spouse, and was to receive principal distribution for support, education, care, health and maintenance from both the **MARITAL TRUST** and the **EXEMPTION TRUST**, and she also had the right to withdraw the greater of **\$5,000.00** or **5%** of the principal of the **EXEMPTION TRUST** each calendar year;
- Petitioner believes the Surviving Spouse over the period of 22 years withdrew more than **\$110,000.00** from the principal of the **EXEMPTION TRUST** such that at the time of her death, there were no longer any assets in the **EXEMPTION TRUST**;
- Upon the death of the Surviving Spouse, the last named Trustee of the **EXEMPTION TRUST** was **DIANNE S. COLLINS**, step-daughter of Velma (Surviving Spouse);
- On 1/30/2014, **DIANNE COLLINS** executed an Affidavit of Change of Trustee declaring she was the successor Trustee of the **SMOTHERS FAMILY LIVING TRUST**, and on the same day she executed a Grant Deed transferring title to the entire new residence on San Gabriel to the **EXEMPTION TRUST** (*copies attached as Exhibit F*);
- Petitioner believes that he (**FLOYD WYATT, JR.**) is the Successor Trustee of **SMOTHERS FAMILY LIVING TRUST** and that the new residence on San Gabriel was not and is not an asset of the **EXEMPTION TRUST**, and believes that the transfer of the new residence on San Gabriel was inappropriate in that, pursuant to the Division Schedules, the **MARITAL TRUST** owned at least **10%** of the residence and that the new residence on San Gabriel was purchased in part with the proceeds of the sale of the old residence on Childs and with her own funds in Trust A to complete the purchase of the new residence on San Gabriel;
- Petitioner believes that the majority if not all of the new residence on San Gabriel and the Deed of Trust are subject to his control as Trustee of the **MARITAL TRUST**;
- **DIANNE COLLINS** claims that the new residence on San Gabriel is **100%** owned by the **EXEMPTION TRUST** and that she is the Trustee of the **EXEMPTION TRUST**;

~Please see additional page~

Petitioner states, continued:

- Petitioner has attempted to resolve the differences between the **MARITAL TRUST** and the **EXEMPTION TRUST** and offered to split the proceeds for the sale of the new residence on San Gabriel **50%** to the **MARITAL TRUST** and **50%** to the **EXEMPTION TRUST**, but this offer was rejected by **DIANNE COLLINS**;
- As Petitioner and **DIANNE COLLINS** cannot agree on the division of ownership of the new residence on San Gabriel, Petitioner is asking the Court to determine whether the new residence on San Gabriel is an asset of the **MARITAL TRUST** or the **EXEMPTION TRUST** or both;

Petitioner prays for an Order of the Court that:

1. The **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST** is valid, and that the **EXEMPTION TRUST** of **SMOTHERS FAMILY LIVING TRUST** had no assets at the date of death of Surviving Spouse Velma L. Smothers on 11/27/2013;
2. **FLOYD WYATT, JR.** is confirmed as the Successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**; and
3. All of the real property on San Gabriel, and the Deed of Trust, are assets subject to the management and control of **FLOYD WYATT, JR.** as successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**.

Objection to Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust filed by DIANNE S. COLLINS, step-daughter of Velma Smothers, on 7/11/2014 states:

- **GARNOLD GARTH SMOTHERS** and **VELMA L. SMOTHERS** married late in life, both having children from previous relationships;
- Although Garnold and Velma created their **SMOTHERS FAMILY LIVING TRUST** jointly, the Trust provides that upon the death of either of them, the Decedent's assets shall be allocated to the **EXEMPTION TRUST**, which is distributable to the Decedent's issue upon the death of the surviving spouse;
- This type of trust is common in second marriages where a couple wants the surviving spouse to be able to benefit from the trust assets during their remaining lifetime, but ensure that their assets ultimately pass to their children and issue;
- Garnold died ~4 months after creating the Trust, and the Trust was funded almost entirely with Garnold's separate property and all of those separate property assets, as well as all of his interest in he and Velma's community property, should have been allocated to an **EXEMPTION TRUST** – an irrevocable sub-trust which benefitted Velma for her lifetime, but which passed to Garnold's issue at Velma's death;
- Unfortunately, Velma failed to properly fund the **EXEMPTION TRUST** with Garnold's share of the Trust assets; Velma died on 11/27/2013, and Velma withdrew and spent all of the Trust assets except for a residence she purchased with **EXEMPTION TRUST** funds in 1998;
- Petitioner is now relying on Velmas' failure to fund the **EXEMPTION TRUST** to asset that Garnold's assets are assets of the **MARITAL TRUST**, and thus distributable to Petitioner and Velma's other children;
- This Court should deny Petitioner's requests and confirm that the [new residence on San Gabriel] is an asset of the **EXEMPTION TRUST**;

~Please see additional page~

Objection to Petition for Order Confirming Successor Trustees and Trust Assets filed by DIANNE S. COLLINS on 7/11/2014, continued:

- The Trust provides that upon Garnold's death, his separate property and all of his interest in Velma and his community property should have been allocated to the **EXEMPTION TRUST** (see *Exhibit B1 to the Petition*);
- As the Surviving Spouse, Velma's separate property and her interest in her community property should have been allocated to the **MARITAL TRUST**;
- The **EXEMPTION TRUST** became irrevocable on Garnold's death, and the **EXEMPTION TRUST** was to be held for the benefit of Velma during her lifetime, but at Velma's death the assets in the **EXEMPTION TRUST** are distributable to Garnold's issue (see *Exhibit B1 to the Petition*);
- On the other hand, the **MARITAL TRUST** continued to be revocable during Velma's lifetime; the Trust provided initially that any assets remaining in the **MARITAL TRUST** at the death of the surviving spouse shall be distributed to Garnold's issue;
- Velma and Garnold expressly disinherited Velma's children (see *Trust at Paragraph 8.14, page 17 of Exhibit B1 to the Petition*); [Note: Velma's children are **FLOYD WYATT, JR., LEONARD EUGENE WYATT, and DARRELL RAY WYATT**];
- However, Velma executed a series of amendments to the **MARITAL TRUST** which later included her children as beneficiaries;
- Respondent believes that following Garnold's death, Velma never provided a Notification of Trustee to Garnold's heirs, which was required pursuant to Probate Code § 16061.7;
- Upon Velma's death, Respondent became Trustee of the **EXEMPTION TRUST** (both other named successor trustees **ROBERT G. SMOTHERS** and **RONALD G. SMOTHERS**, Garnold's sons, are deceased);
- **The Bulk, if not all, of the Trust Assets were Garnold's Separate Property:** The primary Trust assets at the time of Garnold's death were (1) the real property on Childs Ave. in Merced, and (2) a Promissory Note dated 1/2/1985 owed to Garnold by his son and daughter-in-law; the property on Childs Ave. in Merced was Garnold's separate property and he transferred it to his Trust on 2/11/1991 by Quitclaim Deed; Petitioner failed to provide the Court with a copy of the Quitclaim Deed which clearly indicates that the real property on Childs Ave. in Merced was Garnold's separate property when he transferred it to the Trust (copy of Quitclaim Deed attached as *Exhibit A*); the Promissory Note was also Garnold's separate property (copy of Promissory Note and Substitution of Trustee and Full Reconveyance stating the lender was "Garnold Smothers, a married man, as his separate property" attached as *Exhibits B and C*);
- **Velma Failed to Properly Allocate the Trust Assets to the Sub-Trusts upon Garnold's Death:** In accordance with the terms of the Trust, as Garnold's separate property, 100% of the Merced Property and 100% of the Promissory Note should have been allocated to the Exemption Trust; the allocations schedules of sub-trusts submitted by Petitioner are inaccurate.
- **The Funds used to Purchase the Fresno [San Gabriel] Property came from Assets Owned by the EXEMPTION TRUST:** Velma sold the Merced Property for **\$129,500.00**, and failed to attach a copy of the 1998 Grant Deed for the Merced Property to the *Petition*; Velma used the proceeds from the sale to purchase real property on San Gabriel Ave in Fresno for **\$85,000.00**; it is unclear what Velma did with the remaining **\$45,000.00** proceeds from the sale; Velma initially acquired title in her name and subsequently transferred title to the Trust.

~Please see additional page~

- **Velma did not Exercise her Right of Withdrawal from the EXEMPTION TRUST:** Velma had a right to withdraw principal (limited to **\$5,000/5%** annually) from the Exemption Trust; Petitioner alleges Velma exercised her withdrawal right, but offers no factual basis or support for that allegation; Respondent alleges that Velma did not exercise the withdrawal power, and because it was not cumulative, it lapsed annually according to the terms of the Trust.

Respondent/Objector requests that the Court:

1. Deny Petitioner's request for an order that the property on San Gabriel in Fresno is an asset of the **MARITAL TRUST** under the **SMOTHERS FAMILY LIVING TRUST**;
2. Confirm that the real property on San Gabriel in Fresno is an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST** subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee; and
3. Confirm that an property or funds traceable to the Promissory Note be confirmed as an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST**, subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee.

Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Floyd Wyatt, Jr., Successor Trustee)
 Atty Brawley, Mason L.; of Murphy & Brawley, Merced (for Objector Dianne S. Collins, Successor Trustee)

Status Hearing Re: Settlement Agreement

Garnold DOD: 6/3/1991	<p>FLOYD WYATT, JR., son and Trustee of the MARITAL TRUST, [sub-trust of] the SMOTHERS FAMILY LIVING TRUST, filed a <i>Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust</i> on 6/4/2014.</p> <p>DIANNE S. COLLINS, step-daughter of Velma Smothers, filed an <i>Objection to Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust</i> on 7/11/2014.</p> <p>Minute Order dated 7/23/2014 from the hearing on the petition and objection states the Court sets the matter for Settlement Conference on 8/25/2014. Counsel is directed to submit their settlement conference statements along with a courtesy copy for the Court one week before the hearing.</p> <p>Minute Order dated 8/25/2014 from the Settlement Conference states the parties come to agreement. Mason Brawley will submit order. Matter set on 10/21/2014 for status hearing re: settlement agreement.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need settlement agreement.</p>
Velma DOD: 11/27/2013		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LEG</p> <p>Reviewed on: 10/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8B – Smothers</p>	

Chung Irrevocable Trust

Tekunoff, Daniel J. (for Petitioner Robert Chung)

Case No. 14CEPR00626

Petition for: Removal of Trustee, Accounting, Surcharge to Trustee for Damage to Estate, Damages for Breach of Fiduciary Duty, Appointment of Successor Trustee

Helene Chung DOD 10-6-12		ROBERT CHUNG , Beneficiary and named successor trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 9-2-14: Ms. Hanley has been noticed. The Court removes Ms. Hanley as Trustee and Appoints Mr. Chung. At this time the Court is not ruling on the surcharge nor the damages for breach of Fiduciary. Ms. Hanley needs to prepare and file the accounting while she was Trustee. The Court orders Ms. Hanley to surrender all property and records. Counsel will submit order. Continued to: 10/21/14 at 09:00a.m. in Dept 303 Petition is granted before Court Trial. Order to be signed ex parte. Examiner's Note: An order was submitted to the Court on 9-8-14 by Attorney Pimentel; however, because the order referenced this continued hearing date of 10-21-14, it was placed in the filing for this hearing date and was not presented for signature as an Order After Hearing from the 9-2-14 hearing, as intended by the Minute Order. The submitted order is in the file and may be addressed at this hearing 10-21-14. Note: On 10-1-14, Respondent Susan Hanley filed a Notice of Motion and Motion for Order Setting Aside and Vacating Order Removing Trustee (See Page B). The following issues remain noted with regard to this petition: <u>SEE ADDITIONAL PAGES</u> Reviewed by: skc Reviewed on: 10-16-14 Updates: Recommendation: File 9 - Chung
Cont. from 090214		Petitioner states he is one of three living children of Decedent Helene Chung. Helene Chung created the Chung Irrevocable Trust Agreement on 12-28-06, which named Susan Hanley as Trustee. Ms. Hanley accepted her appointment and has continued as trustee since then. The primary asset is a residence on E. Garland Ave., in Fresno. Petitioner states the trust agreement provides that a majority of eligible beneficiaries may transfer the trust situs to a more convenient jurisdiction. Petitioner and Vicki Chung make up the majority of the eligible beneficiaries and have signed a written election to establish the trust venue in Fresno County, making Fresno County the proper venue to hear this action. Petitioner states the trustee has wasted and mismanaged the trust estate by failing to rent the Garland property and collect income from this valuable asset. Her failure to derive income from the property includes not only the period after Helene Chung's death, but also the entire period from creation of the trust in 2006 to the date of Helene Chung's death. Petitioner states the trustee has wrongfully neglected the estate and has long neglected to perform any act as personal representative. She has never filed an accounting, despite having been requested to do so in writing on 4-11-14. The trust estate has never been distributed or closed. The trustee continues to allow the Garland property to sit idle, without earning income, in breach of her fiduciary duties to the trust beneficiaries, including her two siblings, Petitioner and Vicki Chung.	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

SEE ADDITIONAL PAGES

Page 2

Petitioner states pursuant to §16062, Petitioner is entitled to receive an account of the transactions of the trust at least annually, and pursuant to §17200(b)(7), more than 60 days have elapsed since Petitioner presented a written request for an account. Therefore, Petitioner requests an order of this Court instructing the trustee to deliver an account of the transactions of the trust to Petitioner.

Petitioner also requests surcharge for damage to estate and requests damages for breach of fiduciary duty. See petition for details.

Petitioner prays for relief as follows:

1. That SUSAN HANLEY be removed as trustee;
2. For an order that SUSAN HANLEY make an accounting and surrender all property and records in her possession belonging to the estate;
3. For an order requiring SUSAN HANLEY to forthwith provide an accounting in compliance with Probate Code §§ 1060 through 1064;
4. For an order and judgment charging SUSAN HANLEY with losses to the estate
5. For interest on such losses at the maximum legal rate;
6. For costs of suit;
7. For reasonable attorney's fees;
8. For compensatory damages to compensate Petitioner and the trust estate for losses sustained as a result of SUSAN HANLEY's breach of her fiduciary duties;
9. For an order appointing Robert Chung as trustee without bond
10. For such other orders as the Court may deem proper.

NEEDS/PROBLEMS/COMMENTS (Cont'd):

1. Petitioner states that Petitioner, the trustee, and Vicki Chung are the beneficiaries and provides addresses, but the petition does not state that they are all of the persons entitled to notice pursuant to §§ 17201 and 17203.) Need verified declaration.

Note: The address provide for the trustee is a PO Box in Pleasanton. The Court may require clarification.

2. The Court may require clarification re Fresno as proper venue. The address provided for the Trustee is a PO Box in Pleasanton, which is Alameda County. However, it is unclear where the trustee resides, or if she was properly served with the Election to Establish Trust Venue in Fresno County or this petition.

Chung Irrevocable Trust

Krbeček, Randolph (for Susan Hanley)
Tekunoff, Daniel J. (for Robert Chung)

Case No. 14CEPR00626

Notice of Motion and Motion for Order Setting Aside and Vacating Order Removing Trustee

		ROBERT CHUNG , Beneficiary and named successor trustee, filed a Petition for: Removal of Trustee, Accounting, Surcharge to Trustee for Damage to Estate, Damages for Breach of Fiduciary Duty, Appointment of Successor Trustee, which was heard on 9-2-14.
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Minute Order 9-2-14 states: Ms. Hanley has been noticed. The Court removes Ms. Hanley as Trustee and Appoints Mr. Chung. At this time the Court is not ruling on the surcharge nor the damages for breach of Fiduciary. Ms. Haley needs to prepare and file the accounting while she was Trustee. The Court orders Ms. Haney to surrender all property and records. Counsel will submit order. Continued to: 10/21/14 at 09:00a.m. in Dept 303. Petition is granted before Court Trial. Order to be signed ex parte.
		SUSAN HANLEY , Respondent and Trustee, filed this Notice of Motion and Motion for Order Setting Aside and Vacating Order Removing Trustee on 10-1-14.
		Ms. Hanley states this motion will be brought under CCP §473(b), and will seek relief on the grounds that the petition was granted as a result of mistake, inadvertence, surprise, or neglect of the moving party's attorney, to which the attorney has attested in an affidavit or declaration under penalty of perjury. See Declaration of Randolph Krbechek in Support of Motion for Order Setting Aside and Vacating Order of Dismissal.
		Mr. Krbechek's Declaration states he was first contacted by Ms. Hanley on Friday 8-22-14 and received the petition on Saturday 8-23-14. This was the week before Labor Day. His paralegal was out of the office the Thursday and Friday before Labor Day. The attorney did not think to check for the next hearing date on the Banner website. Had his paralegal been there, she surely would have attended to that, as she does with all their litigation matters. Due to the attorney's mistake and inadvertence, he failed to calendar the date set for the hearing (9-2-14). He did not properly communicate with his client that the hearing was set for 9-2-14, and did not clearly articulate who would attend the hearing on her behalf. As a result, neither the attorney nor the client appeared at the hearing to contest the petition. His client emailed on Wednesday, 9-3-14 about the hearing, which had already occurred. Mr. Krbechek apologizes to the Court for his oversight. Any blame should fall on him and not his client. As this motion is brought within the six month period set forth in CCP §473(b), it is requested that the order granting the petition be set aside. See Points and Authorities.
NEEDS/PROBLEMS/ COMMENTS:		
1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all interested parties: - Robert Chung - Vicki Chung		
Note: A defective Notice of Hearing was filed that indicates personal service on attorney Daniel Tekunoff only; however, there is no proof of service as the wrong attachment was used; therefore, this document is defective.		
As stated at the bottom of Page 2 of the DE-120, if personal service is used, <u>DE-120P</u> should have been attached, which contains the information required for proof of service. Petitioner used the <u>DE-120PA</u> , which is an attachment only and contains no information or signature by the server.		
Further, interested parties require direct notice. Cal. Rules of Court 7.51. Petitioner only served notice on the attorney for the petitioner.		
2. Need order.		
Reviewed by: skc		
Reviewed on: 10-16-14		
Updates:		
Recommendation:		
File 9 - Chung		

Petition for Probate of Will and for Letters of Administration with Will Annexed;
Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/13/2014		PUBLIC ADMINISTRATOR , is petitioner and requests appointment as Administrator with Will Annexed without bond.	NEEDS/PROBLEMS/COMMENTS:
		Letters of Special Administration shall expire on 10/21/2014.	1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).
Cont. from 090214		Full IAEA – o.k.	2. Need Proof of Holographic Will.
✓	Proof of Hol. Instrument	Will dated: 07/26/2006	Note: Proof of Holographic Will filed 09/08/2014 states decedent's California driver's license is in the Deputy's possession and it matches the signature on her will. A copy of the driver's license is attached.
✓	Verified	Residence: Fresno	
	Inventory	Publication: The Business Journal	
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Estimated value of the Estate:	Note: Final Inventory and Appraisal filed 10/02/2014 with an estate valued at \$491,736.94 therefore status hearing for the filing of the Inventory and Appraisal was not set.
✓	Aff.Mail w/	Personal property - \$31,000.00	
✓	Aff.Pub.	Real property - \$206,000.00	
	Sp.Ntc.	Total - \$237,000.00	
	Pers.Serv.	Probate Referee: Rick Smith	
	Conf. Screen		Note: If the petition is granted status hearings will be set as follows:
✓	Letters		• Tuesday, 10/06/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	Duties/Supp n/a		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 10/16/2014
			Updates:
			Recommendation:
			File 10 - Paregian

DOD: 10/20/2004		JEANETTE E. WILSON , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	1. Need Notice of Hearing (Mandatory Judicial Council Form).
Cont. from		Will dated: 09/18/1984 devises entire estate to spouse, Jeanette E. Wilson.	2. Need proof of service on the Notice of Hearing on:
<input type="checkbox"/>	Aff.Sub.Wit.		<ul style="list-style-type: none"> • Carol Smith • John Wilson
<input checked="" type="checkbox"/>	Verified		Note: Proof of Service filed on 09/10/2014 on pleading form shows service to the above individuals.
<input type="checkbox"/>	Inventory	Petitioner requests Court confirmation that ½ of the interest of the real property located at 6335 N. 9 th st. Fresno, Ca. belongs to the petitioner and that ½ of the interest pass to the petitioner.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		Reviewed by: LV
<input type="checkbox"/>	Status Rpt		Reviewed on: 10/16/2014
<input type="checkbox"/>	UCCJEA		Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 11 – Wilson

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 06/13/2014		<p>DENNIS A. TURMON, son/named executor without bond is petitioner.</p> <p>Petitioner is a resident of Butte, Oregon.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 12/20/2007</p> <p>Residence: Selma Publication: Selma Enterprise</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$322,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$600,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$922,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property	-	\$322,000.00	Real property	-	\$600,000.00	Total	-	\$922,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 09/30/2014 (Judge Cardoza): Counsel will be filing a bond.</p> <p>1. Proposed personal representative is a resident of Oregon. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 11/18/2014 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u> • Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Personal property	-		\$322,000.00									
Real property	-		\$600,000.00									
Total	-		\$922,000.00									
Cont. from 093014												
<input type="checkbox"/> Aff.Sub.Wit.	s/p											
<input checked="" type="checkbox"/> Verified												
<input type="checkbox"/> Inventory												
<input type="checkbox"/> PTC												
<input type="checkbox"/> Not.Cred.												
<input checked="" type="checkbox"/> Notice of Hrg												
<input checked="" type="checkbox"/> Aff.Mail	w/											
<input checked="" type="checkbox"/> Aff.Pub.												
<input type="checkbox"/> Sp.Ntc.												
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<input type="checkbox"/> UCCJEA												
<input type="checkbox"/> Citation												
<input type="checkbox"/> FTB Notice												

Reviewed by: LV
Reviewed on: 10/16/2014
Updates:
Recommendation:
File 12 - Turmon

Petition to Compel Trustee to Account and Declaration of Stefanie J. Krause in Support of Same

Albert H. Brown DOD: 6-23-11		ANITA PAYNE , Daughter and Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner lists the names and addresses of the other beneficiaries of the trust, but does not state if this list contains all persons <i>entitled to notice</i> of this petition pursuant to Probate Code §17201. Need declaration to that effect. 2. Petitioner includes "Estate of Dennis Brown, Deceased in 2014, c/o Travis Brown (son)." The Court may require clarification as to whether Travis Brown (or anyone else) has been appointed as the personal representative of Dennis Brown's estate in an official capacity or is entitled to receive notice on the estate's behalf. <u>Note:</u> If granted, the Court may set a status hearing for the filing of the account by the trustees.				
Tinnie Lee Brown DOD: May 2008							
		<p>Petitioner states she is a beneficiary of the Brown Living Trust dated 11-22-91 executed by Albert H. Brown and Tinnie Lee Brown on 11-22-91 and amended in its entirety on 3-23-07. Tinnie Lee Brown died in May 2008. Albert H. Brown died on 6-23-11.</p> <p>After the death of Albert H. Brown, PAMELA BOLEN and GLEN BROWN became and currently are the trustees of the trust. Both are residents of Fresno County, CA, and the principal place of administration of the trust is Fresno County.</p> <p>Petitioner states that other than an accounting on 5-29-08 (when Albert H. Brown was trustee), the current trustees have never provided Petitioner with an account of the trust. On 4-9-14, 5-8-14, 6-23-14, 7-1-14, and 7-24-14, Petitioner demanded that the trustee provide Petitioner with an account. See attached exhibits including letters and emails. To date, the trustee has failed to prepare and provide Petitioner with an account for any period after 2008.</p> <p>Petitioner requests that:</p> <ol style="list-style-type: none"> 1. Pamela Bolin and Glen Brown be instructed to prepare and file with this Court an account of the Brown Family Trust since 6-23-11; 2. Pamela Bolin and Glen Brown be instructed to petition this Court for the settlement of the account and give notice of the hearing on the petition; 3. The Court order such attorney fees and costs as may be allowable by law; 4. The Court order such other and further relief as it may deem proper. 					
<input type="checkbox"/>	Aff.Sub.Wit.						
<input checked="" type="checkbox"/>	Verified						
<input type="checkbox"/>	Inventory						
<input type="checkbox"/>	PTC						
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<input type="checkbox"/>	Letters						
<input type="checkbox"/>	Duties/Supp						
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<input type="checkbox"/>	Video Receipt						
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<input type="checkbox"/>	9202						
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<input type="checkbox"/>	Status Rpt						
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<input type="checkbox"/>	Citation						
<input type="checkbox"/>	FTB Notice						
		<table border="1"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 10-16-14</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 13 – Brown</td> </tr> </table>	Reviewed by: skc	Reviewed on: 10-16-14	Updates:	Recommendation:	File 13 – Brown
Reviewed by: skc							
Reviewed on: 10-16-14							
Updates:							
Recommendation:							
File 13 – Brown							

Herbert Markarian DOD: Not provided		JOAN MARKARIAN is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states she and Herbert Markarian were married February 20, 1954 in San Mateo, California; however, there is no official record of the fact, date, and place of their marriage. Herbert Markarian is now deceased. Petitioner requests an order determining that the marriage did in fact occur as stated above.	<ol style="list-style-type: none"> Petitioner's documents are not properly tumbled pursuant to Cal. Rules of Court 2.134(b), making review of the file difficult for the Court. Petitioner does not state that a <u>marriage license</u> was ever obtained by the parties to the marriage. Petitioner refers only to church documentation and certificates. Petitioner also does not state whether inquiry has been made with the County of San Mateo or the State of California Office of Vital Records for the official record, if any.
	Aff.Sub.Wit.		
✓	Verified	Petitioner's declaration in support states that she and the decedent were married at The Church of Nativity in Menlo Park, California, in a formal wedding ceremony conducted by Rev. Thomas McHune, deceased. Neither of them had been married previously. Their parents and family were present. Attached is a copy of the entry in the church register indicating that they were married in the church on the date indicated. The church failed to file the original marriage certificate with the County of Santa Clara. Also attached are copies of the original wedding invitation, newspaper announcements, photos taken after the wedding, and the marriage certificate issued by the church.	<p>See form at #5a. A marriage license is required for a valid marriage in California. The procedure described in Health and Safety Code sec. 103450, et seq., cannot establish the validity of a California marriage if no marriage license was obtained. Need further information or authority.</p>
	Inventory		
	PTC	Petitioner is required to establish the fact of the marriage in order to qualify for social security benefits to which she is entitled by virtue of her marriage to Herbert Markarian, deceased.	<ol style="list-style-type: none"> Petitioner states Herbert Markarian is deceased, but does not provide a date. Pursuant to Local Rule 7.1.1.D, need date of death of Herbert Markarian.
	Not.Cred.		
N/A	Notice of Hrg		<p>Note: If granted, the Court will detach the original Court Order Delayed Certificate of Marriage from the Order Establishing Fact of Marriage (Page 2 of Form VS 122) and return the Certificate to Petitioner for filing with the appropriate agency(ies), along with a certified copy of the Order.</p>
	Aff.Mail		
	Aff.Pub.		<p>Reviewed by: skc</p>
	Sp.Ntc.		
	Pers.Serv.		<p>Reviewed on: 10-16-14</p>
	Conf. Screen		
	Letters		<p>Updates:</p>
	Duties/Supp		
	Objections		<p>Recommendation:</p>
	Video Receipt		
	CI Report		<p>File 14 - Markarian</p>
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 09/28/2011	ESTELLA GARZA, RAQUEL G. NANEZ, & ROJELIA GARZA GONZALEZ , daughters, were appointed Executors with limited IAEA authority without bond on 05/27/2014.	NEEDS/PROBLEMS/COMMENTS: 1. Need Final Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from	Letters issued on 10/03/2014.	
Aff.Sub.Wit.		
Verified	Inventory and Appraisal Partial No. 1 filed 09/05/2014 shows an estate valued at \$250,000.00.	
Inventory		
PTC		
Not.Cred.	Minute Order of 05/27/2014 set this matter for hearing for the filing of the Inventory and Appraisal.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/16/2014
		Updates:
		Recommendation:
		File 15 – Garza

Pro Per Gallegos-Bates, Mary (Pro Per Petitioner, Administrator)

(1) First and Final Account and (2) Petition for Final Distribution

DOD: 4/15/2005		<p>MARY GALLEGOS-BATES, sister and Administrator appointed <u>without IAEA Authority</u> and without bond on 8/2/2005, is Petitioner. Letters issued on <u>8/11/2005</u>.</p> <p>Account period: Not stated</p> <p>Accounting - Not stated</p> <p>Beginning POH - \$200,000.00</p> <p>Ending POH - \$0.00</p> <p>Administrator - Not requested</p> <p>Attorney - \$7,000.00 (statutory; paid to Attorney Patricia Carrillo without Court authorization;)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The sole asset of the estate, the Decedent's residence, was distributed to the beneficiaries of the estate, the Decedent's mother and father, VIRGINIA GALLEGOS [DOD 2010] and THEODORE GALLEGOS [DOD 2009]; The Decedent's parents purchased the residence in 2000 and the Decedent and his brother, ROBERT B. GALLEGOS, lived with them; The Decedent's name was on the title as joint tenant with his parents; The Decedent took out 2 subprime loans on the property, and in order to do so, he had to take his parents' names off the property and put the property in his name; when one subprime loan would become due, he would take out another one, and so on; <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 16B is the Order to Show Cause.</p> <p>Continued from 8/26/2014. Minute Order states Petitioner is informed to file all information and receipts she has regarding the fees paid to her former attorney. The Court will explore what fees were paid to attorney for the filing fees after information is provided. Order to Show Cause to Patricia Carrillo to personally appear on 10/21/2014.</p> <p>Note: Declaration of Mary Gallegos-Bates Regarding Attorney's Fees filed 10/16/2014 states:</p> <ul style="list-style-type: none"> To the best of her recollection, in 2006 she paid attorney Patricia Carrillo the sum of ~\$800.00 to cover Court costs that she advanced; She recalls taking the money in to Ms. Carrillo's secretary; however, it has been 8 years and she does not still have her records, nor is the bank able to help her retrieve the exact date or amount; In addition to paying Ms. Carrillo for the Court costs, Ms. Carrillo told her and her now deceased parents that they would have to get a loan to cover her ~\$7,000.00 in attorney's fees for handling the probate; Attorney Carrillo arranged for a loan and was paid the sum of \$7,090.00 from the escrow (copy of the escrow statement attached.) <p>~Please see additional page~</p>	
Cont. from 081114 082614				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input type="checkbox"/>	Order			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice	N/A		

Reviewed by: LEG
Reviewed on: 10/17/14
Updates:
Recommendation:
File 16A – Gallegos

Petitioner states, continued:

- The subprime loan payments increased, and Decedent and his parents and brother, Robert, attempted to make the payments but it became very difficult for them to do so;
- After Decedent's death in 2005, the payments fell behind and the only way to save the house was to get a refinance modification and reduce the monthly payment amount; the estate beneficiaries, Decedent's parents (Virginia and Theodor Gallegos) continued to live in the residence;
- It was also necessary to refinance the property in order to pay the creditor's claims filed in the estate and to pay Petitioner's attorney at the time, **PATRICIA CARRILLO**, her statutory fees; there was no other cash to do so;
- Decedent's parents were the two beneficiaries of his estate, but they did not qualify for the loan because they were both living on Social Security benefits only;
- Attorney Carrillo would not continue handling the estate unless we deposited **\$7,000.00** for attorney's fees in her trust account; she wanted to get paid and said she would introduce us to someone who could help get a loan despite the low income;
- Attorney Carrillo sent us to a man named **PAUL WILLINGHAM**, who said he could get their brother, Robert, qualified for a loan even though his sole source of income was Social Security Disability, but in order to refinance the loan, he had to be on title to the home;
- In 2007, at the close of escrow, the residence was deeded to Robert Gallegos, Decedent's brother (*copy of escrow statement attached as Exhibit A*);
- As can be seen from the escrow statement, the creditor's claims were paid from the escrow, and the attorney's fees were paid out of the escrow;
- The balance of the funds in the approximate amount of **\$13,000.00** was given to Robert Gallegos [*escrow statement shows \$13,629.12 was the borrower's refund*];
- Petitioner and Robert were under the impression that because the estate had been distributed, that it was now closed;
- The estate had been distributed to the Decedent's mother and father (Virginia and Theodor Gallegos) because after the close of escrow, Robert added his them back on title to the home as joint tenants as his parents requested;
- Decedent's parents Virginia and Theodor Gallegos wanted Robert on the title as a joint tenant in case something happened to them because Robert is disabled and they wanted to make sure he would always have a place to live;
- Robert gave the **\$13,000.00** "overage" from the escrow to his parents Virginia and Theodor Gallegos who paid off their bills;
- It was not until December 2013 that the petitioner learned that the probate had never been closed and the Court set a status hearing to complete the probate;
- Title to the Decedent's property is now held in the name of Robert Gallegos, Virginia and Theodor Gallegos, as joint tenants (*copy of Deed attached as Exhibit B*).

Distribution pursuant to intestate succession (§ 6402(b)) is to: Virginia Gallegos and Theodor Gallegos as to the entire interest in Decedent's real property.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Continued from 8/26/2014. The following issues from the last hearing remain:

Note: Petitioner was granted **no** independent authority to administer the estate, hence court supervision has been required to administer this estate pursuant to Probate Code § 10401, such that judicial order, authorization, approval, confirmation or instructions are required for many actions during administration, including most importantly the final distribution of property pursuant to Probate Code § 10501(a)(4), which the *Petition* states has already been done. Based upon Court records, it appears court supervision has never been sought by the Administrator for any actions taken during this estate administration in violation of Probate Code §§ 9610 et seq., and §§ 9650 et seq., which require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted.

1. *Order on Court Fee Waiver* filed 7/7/2014 grants Petitioner's fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of assets and property from an estate. The estate property has been distributed by Petitioner; therefore a **\$435.00** filing fee to the Court is due from Petitioner prior to issue and processing of a final order for closing this estate.
2. Need *Notice of Hearing of the First and Final Account and Petition for Final Distribution*, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 1220, 11000 and 11601 for the following person:
 - **ROBERT B. GALLEGOS**, brother.
3. *Final Inventory and Appraisal* filed on 9/28/2005 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)
4. Need proposed order pursuant to Local Rule 7.6.1, containing a statement as to the property that was distributed and to whom distribution was made.

Note Re Creditors' Claims: Paragraph 9 of the *Petition* states: "All creditor's claims have been paid, and Withdrawals of Creditor's Claims have been filed with the Court." Court records show no withdrawals of creditors' claims have been filed with the Court. However, Exhibit A containing a copy of the Chicago Title escrow statement from the loan funds obtained against the estate real property appears to demonstrate payment of the following creditors' claims filed in this proceeding:

- **\$2,444.54** filed by **CAPITAL ONE** on 9/27/2005;
- **\$5,165.74** filed by **HOUSEHOLD FINANCE CORP.** on 9/6/2005;
- **\$1,219.00** filed by **CITIBANK USA** on 8/9/2005.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note Re Administration and Distribution of the Estate Property: Paragraph 10 of the *Petition* states Petitioner took the following action without court supervision: "The sole asset of the estate, the Decedent's residence, was distributed to the beneficiaries of the estate, the Decedent's mother and father, **VIRGINIA GALLEGOS [DOD 2010]** and **THEODORE GALLEGOS [DOD 2009]**." Probate Code § 10501 lists the actions that must be brought before the Court even when the personal representative has been granted full IAEA authority, or limited IAEA authority, some of which are as follows:

- 10501(a)(2) – Allowance of compensation to the attorney for the personal representative [*please refer to **Note Re Payment of Attorney Fees**, below*];
- 10501(a)(3) – Settlement of accounts [*pending*];
- 10501(a)(4) – Final distributions and discharge [*pending*];
- 10501(b)(4) – Borrowing money with the loan secured by an encumbrance upon real property.

In violation of the Probate Code provisions, the Petitioner has proceeded without court supervision with respect to each of the above-noted actions. However, in light of the complicated background of this matter, it appears the Court may take into account the totality of circumstances of this case, including Petitioner's previous representation by an attorney, when making a determination regarding the acceptability of the Petitioner's *First and Final Account and Petition for Final Distribution*.

Note Re Payment of Attorney Fees: Based on the pleadings, Attorney Patricia Carrillo has been **paid a minimum of \$7,690.00 in fees and costs** from the estate and/or the Petitioner. The following case history and information is provided for the Court's reference regarding this payment of attorney fees:

- **Letters issued to the Petitioner for this estate on 8/11/2005**, while she was represented by Attorney Carrillo. The complete lack of the Petitioner's IAEA authority, which IAEA authority is typically requested and granted as standard practice in probate proceedings before this Court, was the result of the initiation of these proceedings by Attorney Carrillo. Petitioner in her proceeding as a self-represented party likely was unaware of the lack of her authority as Administrator. The lack of communication between Petitioner and Attorney Carrillo was a burden upon Attorney Carrillo to timely rectify.
- **Status Report filed 2/14/2014 by Attorney Carrillo**, which was filed in response to the Court setting a status hearing on **2/21/2014** for failure to file a first account or petition for final distribution is quoted as follows:
"*The statutory attorney fees have been paid on or about 4/27/2011 [sic]. A First and Final Account and Petition for Final Distribution (the 'Final Petition for Distribution') has not been filed in this case. All associated costs or expenses incurred in the administration of the estate have been paid or reimbursed to the attorney for the Administrator, Patricia S. Carrillo (the 'Attorney').*"
- **Order Granting Attorney's Motion to be Relieved as Counsel filed 4/2/2014** granted Attorney Carrillo's request to withdraw from representation of the Petitioner. **Minute Order dated 4/2/2014 states:** Ms. Carrillo is directed to provide Ms. Gallegos-Bates any documents she has. Matter continued to 5/7/2014 for Ms. Gallegos-Bates to hire new counsel.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

- **Copy of Chicago Title escrow statement dated 4/27/2007**, following Attorney Carrillo's release as attorney of record, shows that the following payments pertinent to the estate administration and closing were made from the loan funds obtained against the estate real property:
 - Broker compensation and Origination fee of **\$1,952.00** to **PAUL D. WILLINGHAM DBA iFINANCIAL**;
 - Broker processing to **iFINANCIAL REAL ESTATE** of **\$475.00**;
 - **HOUSEHOLD FINANCE CORP.** for pay in escrow of **\$5,165.74** *[valid creditor's claim]*;
 - **CITIBANK USA** for pay in escrow of **\$1,219.00** *[valid creditor's claim]*;
 - **CAPITAL ONE** for pay in escrow of **\$2,444.54** *[valid creditor's claim]*;
 - **LAW OFFICES OF PATRICIA S. CARRILLO** for legal fees due of **\$7,090.00**.

The following provisions appear to provide support for the attorney fees received by Attorney Patricia Carrillo being reduced and returned to the estate:

- **Probate Code §§ 10830, 10831, and 10501(a)(2)** require the allowance of compensation to the attorney only by court order authorizing such payment. Compensation must be allowed by the Court before it is taken.
- **Probate Code § 12205** allows the Court to reduce the compensation of the attorney if responsible for an unreasonable delay in closing the estate. The time taken for administration of the estate was within the control of the attorney whose compensation would be reduced in that the estate was allowed to linger by the attorney during the communication breakdown between attorney and personal representative.
- **California Rule of Court 7.700 provides: (a) No compensation in advance of court order.** The personal representative must neither pay nor receive, and the attorney for the personal representative must not receive, statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. **(b) Surcharge for payment or receipt of advance compensation.** In addition to removing the personal representative and imposing any other sanctions authorized by law against the personal representative or the attorney for the personal representative, the court may surcharge the personal representative for payment or receipt of statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. The surcharge may include interest at the legal rate from the date of payment.
- **In re Estate of Wong, 207 Cal. App.4th 366, 2012:** "...Attorney compensation for services rendered to the personal representative of a probate estate is not paid by the client, but out of the estate itself."

Pro Per Gallegos-Bates, Mary (Pro Per Petitioner, Administrator)
 Atty Carrillo, Patricia S., sole practitioner of Sanger (formerly for Mary Gallegos-Bates)

Order to Show Cause

DOD: 4/15/2005		MARY GALLEGOS-BATES , sister, was appointed Administrator without IAEA Authority and without bond on 8/2/2005. Letters issued on 8/11/2005 .	NEEDS/PROBLEMS/COMMENTS: 1. Declaration of Patricia S. Carrillo in Response to Order to Show Cause and Personal Appearance filed 10/10/2014 does not address the Court's inquiry regarding <u>attorney fees</u> paid to former attorney Patricia Carrillo in the amount of \$7,090.00 that were paid from escrow funds, which fees were neither authorized nor approved by the Court, and that were paid prior to final distribution of the estate in violation of Probate Code §§ 10830, 10831, and 10501(a)(2), and California Rule of Court 7.700. Additionally, Declaration does not address the basis upon which those statutory fees should be paid to her as the former attorney for the Petitioner, since the former attorney is not closing the estate and is not entitled to payment of statutory fees. Court may require return of the statutory fees taken by Patricia Carrillo pursuant to Probate Code § 12205 and California Rule of Court 7.700.
Cont. from 081114 082614		Notice of Status Hearing filed 11/22/2013 set a status hearing on 2/21/2014 for the failure to file a first account and petition for final distribution.	
<input type="checkbox"/>	Aff.Sub.Wit.	PATRICIA S. CARRILLO filed a Motion to be Relieved as Counsel on 2/18/2014. Order Granting Attorney's Motion to be Relieved as Counsel was filed 4/2/2014.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	MARY GALLEGOS-BATES filed a First and Final Account and Petition for Final Distribution on 7/3/2014.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Minute Order dated 8/26/2014 from the hearing on the first account set this hearing on 10/21/2014, stating: Petitioner is informed to file all information and receipts she has regarding the fees paid to her former attorney. The Court will explore what fees were paid to attorney for the filing fees after information is provided. Order to Show Cause to Patricia Carrillo to personally appear on 10/21/2014.	
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Declaration of Patricia S. Carrillo in Response to Order to Show Cause and Personal Appearance filed 10/10/2014 states:	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<ul style="list-style-type: none"> On 4/4/2014, the Court signed an Order Granting Attorney's Motion to be Relieved as Counsel; ON 4/4/2014, she mailed a complete copy of the case file including all originals to the Administrator which also included all receipts for Court and administrative costs paid by her office; On 8/26/2014, the Court issued an Order to Show Cause requiring her personal appearance due to questions regarding the initial filing probate fees; 	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	~Please see additional page~	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<input type="checkbox"/>			

Declaration of Patricia S. Carrillo filed 10/10/2014, continued:

- She is not a party to this action other than being a former attorney for the Administrator;
- On 6/22/2005, she filed the Petition for Probate for this case and paid the filing fee of **\$281.00** to the Court;
- Her office paid all of the following costs in advance, for which receipts are attached as *Exhibit A*: filing fee of **\$281.00**; copies of Letters of Administration of **\$29.00**; publication in Business Journal of **\$280.00**; probate referee fees of **\$215.00** (total of **\$805.00**);
- In May 2005, the Administrator had paid with a check the amount of **\$600.00** to her office for the payment of Court costs;
- A few days later, her bank issued notice to her that the check had not cleared (copy of bank notice attached as *Exhibit B*);
- Sometime in March 2006, the Administrator paid her office the amount of **\$796.00** for the various Court costs mentioned above;
- No other payment was received before or after by the Administrator to her office for Court costs.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

TEMP EXPIRES 10-21-14			NEEDS/PROBLEMS/COMMENTS:
MICHELLE ANGUAMEA , maternal aunt, is Petitioner.			NEEDS/PROBLEMS/COMMENTS: <u>If this petition goes forward:</u> 1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: - Manuel Sainz (Father) (Note: Although Mr. Sainz was present at the hearing on 9-3-14, it is unclear if he is aware of this date, and he is required to be served pursuant to Probate Code §1511.) 2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: - Paternal Grandmother Teresa Rodriguez - Siblings Jeanay Perez, Mateo Lamb, Jemma Lamb, and Jean Perez, if age 12 or older
Father: MANUEL SAINZ - Present at hearing 9-3-14			
Mother: TIFFANY PEREZ - Notice dispensed per Min. Order 9-3-14			
Paternal grandfather: EDDIE SAINZ, JR. - Mailed service 8-20-14			
Paternal grandmother: TERESA RODRIGUEZ			
Maternal grandfather: JIMMY PEREZ - Mailed service 8-20-14			
Maternal grandmother: CARLOTTA MARQUEZ - Mailed service 8-20-14			
Siblings: JEANAY PEREZ, MATHEO LAMB, JEMMA LAMB, JEAN PEREZ			
Petitioner states that the mother is addicted to drugs and has neglected Adrian to the point that he has an eating disorder, attachment disorder and a few other problems. He is being evaluated by CVRC and the Heritage Building. Adrian is scared to death to go back to his mother and acts out whenever they drive by places he used to live with his mother. He requires a lot of assurance and attention. His mother never enrolled him in school and he was not up to date on his shots. Petitioner states the mother is homeless and hasn't been heard from since 8-1-14. Petitioner has made a missing persons report with the Fresno Police Department.			
Court Investigator Samantha Henson filed a report on 10-16-14.			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: skc			
Reviewed on: 10-16-14			
Updates:			
Recommendation:			
File 17 – Perez			

DOD: 06/30/11	RICARDO GARCIA , brother, was appointed as Administrator with Limited IAEA and without bond on 07/21/14. Letters of Administration were issued on 07/24/14.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 08/22/14</u> As of 10/16/14, nothing further has been filed. 1. Need Inventory & Appraisal.
Cont. from 082214		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 08/19/14		
Updates:		
Recommendation:		
File 18 – Blanco		

		JOSEPH PATRICK DE LOS REYES , Son, was appointed Conservator of the Person and Estate on 3-12-14 with bond of \$30,000.00.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 8-12-14, 9-23-14</u> Minute Order 8-12-14: The Court directs Mr. Massoni to cure the defects listed in the Examiner Notes. Minute Order 9-23-14: No appearances. The Court orders Mr. Massoni and Mr. De Los Reyes to personally appear on 10-21-14. A copy of the above minute order was mailed to the attorney and the conservator on 9-23-14. 1. Need Inventory and Appraisal Probate Code §2610 or verified written status report pursuant to Local Rule 7.5.
Cont'd from 081214, 092314			
		Bond was filed and Letters issued on 4-7-14.	
		At the hearing on 3-12-14, the Court set this status hearing for the filing of the Inventory and Appraisal.	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10-16-14	
		Updates:	
		Recommendation:	
		File 19 – De Los Reyes	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 13		<u>TEMPORARY EXPIRES 10/21/2014</u>		NEEDS/PROBLEMS/COMMENTS:	
		TIFFANY CARTER , aunt is petitioner.		1. Need Notice of Hearing.	
		Father: EARNIEST DICKERSON		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
Cont. from		Mother: DEMETRIA DETRA DENISE STICKLAND		<ul style="list-style-type: none"> • Earniest Dickerson (Father) • Demetria Detra Denise Strickland (Mother) • Earniese Dickerson (Minor) 	
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	x			
<input type="checkbox"/>	Aff.Mail	x			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	x		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input checked="" type="checkbox"/>	Conf. Screen			<ul style="list-style-type: none"> • Paternal Grandfather (Not Listed) • Paternal Grandmother (Not Listed) • Maternal Grandfather (Not Listed) • Maternal Grandmother (Not Listed) 	
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input checked="" type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
		<p>Petitioner states: she wants guardianship of her niece so that she can be in a safe environment, around family that loves her and can show her to be confident and loved.</p> <p>UCCJEA indicates that the child has been residing with the petitioner since March 2014.</p> <p>Court Investigator Jennifer Daniel's report filed 10/14/2014.</p>			
				Reviewed by: LV	
				Reviewed on: 10/17/2014	
				Updates:	
				Recommendation:	
				File 20 – Dickerson	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 5 months		<u>TEMPORARY EXPIRES 10/21/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		JACQUELINE LAMB , non-relative, is Petitioner.		<p>1. The proof of service by mail regarding service to Jimmy Perez, Carlotta Marquez and Monica Anguamea is incomplete. It does not indicate how the notice was mailed, date or place of mailing, or whether a copy of the Petition was also served. Need revised proof of service.</p> <p>2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <p>a. Father (unknown) – personal service required</p> <p>b. Paternal grandparents (unknown) – service by mail sufficient</p> <p>3. Need DSS Social Worker/CI report – DSS/CI to provide.</p> <p>Note: See page 17 for a related petition of this minor's sibling, Adrian Sainz-Perez</p>	
		Father: UNKNOWN			
		Mother: TIFFANY ANN PEREZ – <i>Personally served on 08/28/14</i>			
Cont. from		Paternal grandparents: UNKNOWN			
<input type="checkbox"/>	Aff.Sub.Wit.	Maternal grandfather: JIMMY PEREZ – <i>Served by mail on ??</i>			
<input checked="" type="checkbox"/>	Verified	Maternal grandmother: CARLOTTA MARQUEZ – <i>Served by mail on ??</i>			
<input type="checkbox"/>	Inventory	Siblings: JEMMA LAMB, MATEO PEREZ, ADRIAN SAINZ-PEREZ			
<input type="checkbox"/>	PTC	Petitioner alleges that the mother is homeless and addicted to meth. She is unable to care for a baby and her other children have also been removed from her care due to her drug use. The mother is also involved in an abusive relationship and has allowed her son Mateo to be abused by her boyfriend. The mother has not been heard from for a while and a missing persons report has been filed with the Fresno Police Department.			
<input type="checkbox"/>	Not.Cred.	DSS Social Worker Irma Ramirez filed a report on 10/17/14.			
<input checked="" type="checkbox"/>	Notice of Hrg				
<input checked="" type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input checked="" type="checkbox"/>	Pers.Serv.	w/			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input checked="" type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
		Reviewed by: JF			
		Reviewed on: 10/17/14			
		Updates:			
		Recommendation:			
		File 21 – Perez			

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 1		GENERAL HEARING: 12/11/14		NEEDS/PROBLEMS/COMMENTS:	
		JOHN W. PEEBLES, III and		1. Need <i>Duties of Guardian</i> (Form GC-248).	
		MICHELLE PEEBLES , maternal		2. Need <i>Notice of Hearing</i> .	
		grandparents, are petitioners.		3. Need proof of persona service at least 5 court days before the hearing of <i>Notice of Hearing</i> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for:	
Cont. from		Father: SEAN GESSNER		a. Sean Gessner (father)	
	Aff.Sub.Wit.			b. Britteny Peebles (mother) – <i>Unless diligence is found. Declaration of Due Diligence filed 10/08/14 states that there was no answer at the home where the mother was living or the occupant would not talk to the them.</i>	
✓	Verified	Mother: BRITTENY PEEBLES –		4. Petitioner indicates the child has Indian ancestry. Therefore, need <u>Notice of Child Custody Proceeding for Indian Child</u> (Form ICWA-030) to be completed and returned to the Probate Clerk's Office <u>as soon as possible</u> . See Probate Code §1460.2, and CA Rules of Court 7.1015. The general guardianship hearing on 12/11/14 <u>cannot go forward</u> unless this form has been served on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. A blank copy of the form is in the file for Petitioner, and it should be completed and returned <u>as soon as possible</u> to the Probate Clerk's Office. The Probate Clerk's Office will complete service. At the general hearing on 12/11/14, continuance may be required to ensure that the appropriate parties and agencies received 60 days' notice. See Probate Code 1460.2, and CA Rules of Court 7.1015.	
	Inventory	Declaration of Due Diligence filed 10/08/14		5. The Petitioners indicate that they are moving to Portland, OR on or before 11/17/14. Therefore, Petitioners will need to seek guardianship in Oregon pursuant to Probate Code § 2352(d).	
	PTC				
	Not.Cred.	Paternal grandparents: NOT LISTED			
	Notice of Hrg	x			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
	Duties/Supp	x			
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 10/17/14	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 22 – Peebles-Gessner	

Pro Per Voelker, Pamela Walker (Pro Per Petitioner, daughter)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 5/30/2013		PAMELA WALKER VOELKER, daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD.	1. <i>Petition</i> was filed with a fee waiver. Filing fees are due prior to distribution of property from an estate. Therefore, filing fee of \$435.00 is due prior to the order for distribution being processed for Petitioner.
Cont. from		No other proceedings.	2. Item 8 of the <i>Petition</i> requires a <i>Final Inventory and Appraisal</i> to be attached to the <i>Petition</i> . Need <i>Final Inventory and Appraisal</i> (Judicial Council form DE-160, 161) completed by a probate referee pursuant to Probate Code § 13152(b).
Aff.Sub.Wit.			
✓ Verified		I & A - Need	3. Item 9 of petition states Decedent's spouse is deceased. Item 14 of <i>Petition</i> does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1(D).
Inventory			
PTC		Decedent died intestate.	4. Item 10 of the <i>Petition</i> states Decedent is survived by a brother, sister or issue of a deceased brother or sister of the Decedent; however, that person's name and residence address are not listed in Item 14 of the <i>Petition</i> as required. (Note: Petitioner attached a copy of the death certificate of GARLAND MARK WALKER , son of Decedent (DOD 7/22/2011).)
Not.Cred.			
Notice of Hrg	X	Petitioner requests Court determination that Decedent's [unspecified %] interest in real property located at 282 N. Peach Ave, Fresno, passes to the Petitioner pursuant to intestate succession.	5. Exhibit A attached to the <i>Petition</i> containing the legal description of the property does not state the amount (percentage) of Decedent's interest in the property.
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			Reviewed by: LEG
Status Rpt			Reviewed on: 10/17/14
UCCJEA			Updates:
Citation			Recommendation:
FTB Notice			File